

REGULAR MEETING

JULY 16, 1998

The Ashland Board of Commissioners met in Regular Session in the Commission Chambers, City Building, Ashland, Kentucky, on Thursday, July 16, 1998, at the hour of 7:00 PM. Those present were Commissioners: Norman "Dutch" Berry, Kevin Gunderson, Michael Stewart and Mayor A. R. Dunnigan, who presided. Absent: Paul Reeves, Commissioner. Also present were: Ronald W. McBride, Acting City Manager; Richard W. Martin, Corporation Counsel; Deborah D. Musser, City Clerk; Gary Watts, Fire Chief; Michelle Veach, Assistant Finance Director; Tim Moore, Acting Director of Public Services; Bruce Craft, Recreation Division and Reporters.

The Invocation was given by Commissioner Stewart.

The Pledge of Allegiance was conducted.

AGENDA

Acting City Manager McBride presented the agenda of July 16, 1998. Motion was made by Stewart, seconded by Berry, to receive and file the agenda. Upon roll call, voting aye were Commissioners Berry, Stewart and Mayor Dunnigan. Nay - Commissioner Gunderson. Motion passed.

MINUTES

Motion was made by Stewart, seconded by Gunderson, to dispense with the reading and approve the minutes of the Regular Meetings held on May, 7, 1998, June 4, 1998 and June 18, 1998; the Recessed Meetings held on May 20, 1998, June 2, 1998, June 9, 1998, June 18, 1998 and June 23, 1998 and the Called Meeting held on June 29, 1998. Upon roll call, voting aye were Commissioners Berry, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

HEARINGS AND REPORTS

Mayor's Comments - Motion was made by Stewart, seconded by Berry, to prepare a proclamation in honor of George Wolford who is retiring after 41 years from The Daily Independent tomorrow. Upon roll call, voting aye were Commissioners Berry, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

PUBLIC PARTICIPATION

Gail Melvin, Executive Director, Ashland Mainstreet, expressed gratitude for continued support from the Commission and staff. Motion was made by Stewart, seconded by Berry, to approve Old Fashioned Dollar Days downtown on August 6 & 7 with sidewalk sales and music entertainment on Judd Plaza from 11:00 AM - 1:00 PM. Ms. Melvin also informed the Commission that Lori Flannery will conduct a seminar at the AEP auditorium on July 28 at 1:00 PM and the State Historic Preservation Officer will be coming to Ashland at a date yet to be determined.

Michael Hamilton, 2528 Bath Avenue, appeared before the Commission to request information about the tannery property. He was informed that the state has authorized demolition of the old buildings. Code Enforcement is to be advised to make sure

REGULAR MEETING JULY 16, 1998
ORDINANCE NO. 68, 1998

ORDINANCE NO. 68, 1998

SECOND AN ORDINANCE OF THE CITY OF ASHLAND,
READING KENTUCKY, AUTHORIZING AND
DIRECTING A. R. **AND** DUNNIGAN,
MAYOR, TO EXECUTE AN AGREEMENT **FINAL**
WITH JERRY LOWMAN, REGARDING PLACEMENT
OF **ADOPTION** A CONCRETE POLE FENCE IN
FRONT OF HIS PROPERTY AT 925 GREENUP
AVENUE BY HERTZ CAR SALES ON THE CITY'S
RIGHT-OF-WAY.

* * * *

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That the Board of Commissioners hereby authorizes and directs A. R. Dunnigan, Mayor, to execute the attached agreement with Jerry Lowman regarding placement of a concrete pole fence in front of his property at 925 Greenup Avenue which involves using a portion of the City's right-of-way. A copy of said agreement is attached hereto and made a part hereof by reference.

SECTION 2. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance be in summary form.

/s/A. R. DUNNIGAN
MAYOR

ATTEST:

/s/DEBORAH D. MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: June 18, 1998

READOPTED BY THE BOARD OF COMMISSIONERS: July 16, 1998

PUBLISHED:

MOTION:

Motion was made by Stewart, seconded by Berry, to adopt Ordinance No. 68, 1998, at this its second reading. Upon roll call, voting aye were Commissioners Berry, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

RESOLUTION NO. 21, 1998

A RESOLUTION OF THE CITY OF ASHLAND,
KENTUCKY, ADOPTING, AUTHORIZING AND
APPROVING THE COURSE OF ACTION

herein, as if set out in full, is a copy of the "Consent Agenda" hereby adopted, authorized and approved.

REGULAR MEETING JULY 16, 1998
RESOLUTION NO. 21, 1998 CONTINUED

SECTION 2. This resolution shall be in full force and effect from and after its adoption, as required by law.

/s/A. R. DUNNIGAN
MAYOR

ATTEST:

/s/DEBORAH D. MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: July 16, 1998

MOTION:

Motion was made by Stewart, seconded by Gunderson, to adopt Resolution No. 21, 1998.

MOTION:

Motion was made by Gunderson, seconded by Berry, to vote on items (n), (o) and (p) separately. Upon roll call, voting aye were Commissioners Berry, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

APPROVAL OF ITEMS (N), (O) AND (P):

Motion was made by Stewart, seconded by Berry, to approve items (n), (o) and (p). Upon roll call, voting aye were Commissioners Berry, Stewart and Mayor Dunnigan. Nay - Commissioner Gunderson. Motion passed.

VOTE ON ADOPTION OF RESOLUTION:

Upon roll call, voting aye were Commissioners Berry, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

ORDINANCE NO. 69, 1998

EMERGENCY

AN ORDINANCE OF THE CITY OF ASHLAND,
CLAUSE KENTUCKY,
AUTHORIZING AND DIRECTING **FIRST**
A. R. DUNNIGAN, MAYOR, TO SUBMIT
AN **AND** APPLICATION TO
THE U. S. DEPARTMENT OF **SECOND**
JUSTICE FOR A LOCAL LAW ENFORCEMENT
READING BLOCK GRANT IN THE
AMOUNT OF \$26,260.00 **AND**
FOR THE ASHLAND POLICE DEPARTMENT
FINAL AND DECLARING AN

Grant in the amount of \$26,260.00 to aid the Ashland Police Department. A true copy of said grant application is attached hereto and made a part hereof by reference.

SECTION 2. That A. R. Dunnigan, Mayor of the City of Ashland, Kentucky, is hereby authorized and directed to execute any and all other documents relating to said grant.

SECTION 3. Due to the need to meet a deadline and the Board of Commissioners is not scheduled to hold another regular meeting until August 6, 1998, an emergency is hereby declared to exist and the rules requiring this ordinance to be read on two separate days are hereby suspended.

REGULAR MEETING JULY 16, 1998

ORDINANCE NO. 69, 1998 CONTINUED

SECTION 4. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflicts only, are hereby repealed.

SECTION 5. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 6. It is hereby authorized that publication of this ordinance be in summary form.

/s/A. R. DUNNIGAN
MAYOR

ATTEST:

/s/DEBORAH D. MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: July 16, 1998

READOPTED BY THE BOARD OF COMMISSIONERS: July 16, 1998

PUBLISHED:

MOTION:

Motion was made by Stewart, seconded by Berry, to adopt Ordinance No. _____, 1998, at this its first reading. Upon roll call, voting aye were Commissioners Berry, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

SUSPENSION OF RULES:

Motion was made by Stewart, seconded by Berry, to suspend the rules requiring this ordinance to be read on two separate days. Upon roll call, voting aye were Commissioners Berry, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

READOPTION:

Motion was made by Stewart, seconded by Gunderson, to adopt Ordinance No. 69, 1998, at this its second reading. Upon roll call, voting aye were Commissioners Berry, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

ORDINANCE NO. _____, 1998

DISCUSSION:

Mayor Dunnigan stated he had received phone calls requesting consistency with the policy of naming streets after local notables. He would vote for naming the street in honor of C. B. Nuckolls or Elzy Thomas.

VOTE:

Upon roll call, voting aye were Commissioners Berry, Gunderson and Stewart. Nay - Mayor Dunnigan. Motion passed.

**REGULAR MEETING JULY 16, 1998
ORDINANCE NO. __, 1998**

ORDINANCE NO. ____, 1998

FIRST AN ORDINANCE OF THE CITY OF ASHLAND, **READING**
KENTUCKY, AUTHORIZING A. R. DUNNIGAN, **AND**
MAYOR, TO EXECUTE A CONTRACT
BETWEEN THE **ADOPTION** CITY OF ASHLAND
AND QUEST ENGINEERS, INC. **ONLY** FOR
PROFESSIONAL SERVICES REGARDING THE
WATER SYSTEM IMPROVEMENTS PROJECT FOR
THE DEPARTMENT OF PUBLIC SERVICES.

MOTION:

Motion was made by Stewart, seconded by Gunderson, to adopt Ordinance No. ____, 1998 at this its first reading.

MOTION TO TABLE:

Motion was made by Berry, seconded by Gunderson, to table Ordinance No. ____, 1998 until the next meeting of the Board of Commissioners. Upon roll call, voting aye were Commissioners Berry, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

MOTION TO RECONSIDER VOTE TO TABLE:

Motion was made by Stewart to reconsider the vote to table. Motion died for lack of a second.

ORDINANCE NO. ____, 1998

FIRST AN ORDINANCE OF THE CITY OF ASHLAND, **READING**
KENTUCKY, AMENDING THE AUTHORIZED **AND**
POSITIONS AS ADOPTED BY ORDINANCE NO. 25, **ADOPTION**
SERIES OF 1991, AND PREVIOUSLY AMENDED.
ONLY

MOTION:

Discussion of settlement with CSX, Inc. - Motion was made by Gunderson, seconded by Stewart, authorizing payment of \$75,000 by three yearly payments of \$25,000 to settle claims by CSX that the City ruined property leased for a landfill from 1957 to 1976 by going too close to the riverbank. Corporation Counsel Martin explained the release includes all claims with one reservation – if it were determined unknown toxic deposits had been made by the City. Upon roll call, voting aye were Commissioners Berry, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

REGULAR MEETING JULY 16, 1998
APPOINTMENT

APPOINTMENT:

Motion was made by Gunderson, seconded by Stewart, approving the Mayor's appointment of Lucy Davis to the Ashland Park Board for the remainder of Bruce Craft's four year term beginning July 16, 1998 and continuing through October 18, 1998. Upon roll call, voting aye were Commissioners Berry, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

ORDINANCE NO. _____, 1998

FIRST AN ORDINANCE OF THE CITY OF ASHLAND, **READING**
KENTUCKY, AUTHORIZING A. R. DUNNIGAN, **AND**
MAYOR, TO EXECUTE A REAL ESTATE
PURCHASE **ADOPTION** AGREEMENT WITH
GARTRELL REALTY COMPANY **ONLY** FOR THE
PURCHASE OF PROPERTY IN THE AMOUNT OF
\$148,185.00 FOR A 102.79 ACRE TRACT OF
PROPERTY DESCRIBED IN THE FEBRUARY 2, 1998
SURVEY OF JAMES F. ROBINSON.

MOTION:

Motion was made by Stewart, seconded by Gunderson, to adopt Ordinance No. _____, 1998, at this its first reading. Upon roll call, voting aye were Commissioners Berry, Stewart and Mayor Dunnigan. Nay - Commissioner Gunderson. Motion passed.

ADJOURNMENT:

Mayor Dunnigan declared the meeting adjourned at 8:20 PM.

A. R. DUNNIGAN, MAYOR

ATTEST: